

APPEAL NO. 020777  
FILED MAY 13, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 4, 2002. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on either \_\_\_\_\_, or \_\_\_\_\_, and did not have disability. On appeal, the claimant expresses disagreement with these determinations, and asserts that his attorney failed to present evidence that the claimant was taken off work for the \_\_\_\_\_, injury. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

Whether a claimant sustained a compensable injury and had disability are factual questions for the hearing officer to resolve. Section 410.165(a) provides that the contested case hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given the evidence. When reviewing a hearing officer's decision for factual sufficiency of the evidence, we should reverse such decision only if it is so contrary to the overwhelming weight of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). We have reviewed the complained-of matters and conclude that the hearing officer's decision is supported by sufficient evidence.

The claimant asserts on appeal that his attorney failed to submit evidence that he had been taken off work for the \_\_\_\_\_, injury. We can only evaluate a case based on evidence that is presented and admitted into evidence. We have held that we do not have jurisdiction to address contentions of inadequate representation by counsel, as these are essentially a matter between the claimant and his former attorney. Texas Workers' Compensation Commission Appeal No. 94030, decided February 15, 1994.

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **THE CONNECTICUT INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICES COMPANY  
800 BRAZOS  
AUSTIN, TEXAS 78701.**

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Michael B. McShane  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Roy L. Warren  
Appeals Judge